

REMARKS

Reconsideration and allowance of the above identified patent application are hereby requested. Claims 9-20 and 29-46 are now in the application with claims 9, 11, 19, 29, 31, and 39 being independent. The Office's rejections are respectfully traversed.

Rejection Under 35 U.S.C. §103(a)

Claims 9-10, 19-20, and 29-30 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,625,619 to McClendon et al. ("McClendon"). Claims 11-18 and 31-46 stand rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over McClendon in view of U.S. Patent Publication No. 2001/0037490 A1 to Chiang ("Chiang"). These contentions are respectfully traversed.

Claim 9:

Claim 9 recites "A method of retrieving a file comprising HTML and having a file name, the method comprising, responsive to a request to retrieve the file: retrieving the file; and retrieving a shadow file having a filename comprising the filename of the file and containing information about the file but not contained in the file."

Thus, a file comprising HTML and having a file name must be retrieved. The Office (Action of January 11, 2007 at 6) asserts "McClendon teaches a method of retrieving a file including HTML data and having a filename including retrieving the file (See McClendon, Column 3, lines 55-67)." However, the cited portion of McClendon fails to support this contention. McClendon (Col. 3, 55-67) states:

In another embodiment, disparate assembly project related applications can be used to select and specify items related to a given assembly project. Typically, each such application will maintain a distinct data store of project related data in an application specific format. A centralized link manager according to the present invention can support centralized organization of item information related to the project. Typically, such a link manager may read item information created by the disparate applications either directly from such applications or indirectly from an application specific data store associated with each such application. The

link manager organizes such received or retrieved item information according to the taxonomy.

As such, McClendon teaches that the centralized link manager retrieves item information. McClendon does not, however, disclose, teach, or suggest that the item information retrieved by the link manager is a file comprising HTML.

Moreover, McClendon (Col. 24, lines 19-40) discloses that a data store can comprise "...one or more relational database management systems...or other object-oriented, relational, or object-relational database management systems..." or "...database systems with other architectures such as object-oriented, spatial, relational or hierarchical or may use other storage implementations such as hash tables or flat files." However, McClendon does not teach storing item information in an HTML file. Therefore, McClendon does not disclose, teach, or suggest retrieving a file comprising HTML.

Further, claim 9 recites (underlining added for emphasis) "retrieving a shadow file having a filename comprising the filename of the file and containing information about the file but not contained in the file."

The plain meaning of the phrase "...containing information about the file but not contained in the file" is clear in view of the specification. For example, the specification (page 2, line 7 through page 3, line 13) states (underlining added for emphasis):

It can be helpful to store information about the file or information related to the file. For example, notes about editing the file, comments and other information may be desirable to store. One way of storing information about a file is to store the information in the file itself. For example, a designer could store notes about the file as an HTML comment by surrounding the comment with the characters, "<!--" before the comment and the character, "-->" after the comment.

If a file contains the source code for a web page, however, storing information about the file or other information as a comment in the file itself may be undesirable for several reasons. One reason has to do with the fact that when a user requests a web page from a server, the source code for the web page is provided by the server to the user's computer system, stored on the user's computer system, and rendered by a browser. Although comments are not rendered by the browser, they are accessible to the user.... Another reason it may be undesirable to store information about a web page in the source code for the page is that the information will be downloaded as part of the page, increasing the time required to download the page, and driving up costs of serving the web page to users due to increased bandwidth and traffic requirements of the page.

Therefore, the information about a file relates to the file itself, such as comments and notes about editing the file and as noted in the specification, it can be undesirable to provide information about the file to a user.

The Office (Action of January 11, 2007 at 6) asserts that (underlining added for emphasis) “McClendon also teaches including a shadow file, or companion file, in an XML format, having a file name that associates it with the original HTML file and containing property set information about the HTML file that is not included within the HTML file (See McClendon, Column 17, lines 64-67).” However, the disclosed property set information does not comprise information about the HTML file.

McClendon (Col. 17, lines 53-67) discloses (underlining added for emphasis):

A software tool [Indexer] is preferable to allow product manufacturers to build their own product indexes. The tool presents the same index interface as to users, making it clear to manufacturers how the users will view their data. The tool preferably builds a database of products, properties and values based on the manufacturer's selection of properties for each of the products he wants to index. Each individual product has its own set of properties – a product is defined as the smallest unit that has a unique part number....

Preferably, each individual product property set can be pasted into an existing HTML product data sheet using XML coding or be saved in XML format in a companion file with a file name that associates it with the original HTML file.

Thus, McClendon teaches that a product property set can be saved in a companion file associated with an HTML file. McClendon does not, however, disclose, teach, or suggest that the companion file contains information about the file but not contained in the file, as is claimed. To the contrary, McClendon teaches that a product property set corresponds to a product and thus comprises information about that product.

The Office (Action of January 11, 2007 at 3) further asserts (underlining added for emphasis) “The companion or shadow file contains an index of product property data making it clear to manufacturers how the users will view their data which is contained within the original HTML file, therefore the companion or shadow file contains information about the HTML file as it relates to the product property data (See McClendon, Column 17, lines 54-63).” The Office mischaracterizes the teaching of McClendon. As discussed above, McClendon (Col. 17, lines 64-67) discloses that only the product property set is contained in the companion file. Further, McClendon (Col. 17, lines 53-56) teaches that the Indexer – not the companion file – presents

the index interface showing how users will view data. Therefore, McClendon does not disclose retrieving a shadow file having a filename comprising the filename of the file and containing information about the file but not contained in the file, as is claimed.

Additionally, the Office (Action of January 11, 2007 at 6) asserts that "McClendon does not teach expressly that the shadow or companion file includes the file name of the file, however,...it would have been obvious to assume that the shadow or companion file includes the file name of the HTML file." The Office (*Id.* at 3) also maintains that "...it was well known in the art at the time of the invention to name files associated to other files in a similar manner, such as comprising the filename or a portion of the filename of the original file." The Office's continued reliance on Official notice without documentary evidence is improper. For example, MPEP §2144.03 A. states (underlining added for emphasis):

Official notice without documentary evidence to support an examiner's conclusion is permissible only in some circumstances. While "official notice" may be relied on, these circumstances should be rare when an application is under final rejection or action under 37 CFR 1.113. Official notice unsupported by documentary evidence should only be taken by the examiner where the facts asserted to be well-known, or to be common knowledge in the art are capable of instant and unquestionable demonstration as being well-known.

Use of a shadow file filename that comprises the filename of an associated file about which the shadow file contains information is not a fact that is capable of instant and unquestionable demonstration as being well-known. Therefore, the Applicants refute the Official Notice and respectfully request the Office to reconsider.

For at least these reasons, independent claim 9 is allowable over McClendon. As claim 10 depends from claim 9, it also is allowable for at least the reasons discussed with respect to claim 9.

Further, claims 19 and 29 include elements similar to those contained in claim 9. For example, claim 19 recites (underlining added for emphasis) "...responsive to the identifier of the file received at the input retrieving via an input/output the file and a shadow file having a filename comprising the filename of the file and containing information about the file, the information about the file not being contained in the file." Similarly, claim 29 recites (underlining added for emphasis) "...responsive to a request to retrieve the file: retrieve the file; and retrieve a shadow file having a filename comprising the filename of the file and containing

information about the file, the information about the file not being contained in the file."

Therefore, claims 19 and 29 are allowable for at least the reasons discussed with respect to claim 9. Additionally, claims 20 and 30 depend from claims 19 and 29 respectively. Therefore, claims 20 and 30 are at least allowable based on claims 19 and 29.

Claim 11:

Claim 11 recites (underlining added for emphasis) "...a shadow file builder having an input coupled to the shadow file keys/values manager for receiving the information related to the file and not contained in the file, the shadow file builder for building a shadow file responsive to said information related to the file and not contained in the file and for storing in said shadow file, different from the file, via an output."

The Office (Action of January 11, 2007 at 8) asserts that McClendon teaches the claimed shadow file builder at Col. 9, lines 7-65. However, McClendon and Chiang, taken separately or in combination, fail to disclose all of the claimed subject matter.

McClendon (Col. 9, lines 7-43) discusses deficiencies of a standardized data set. For example, McClendon (Col. 9, lines 9-12) states "A comprehensive or definitive 'classification' or other standard representation of all products is often envisioned as the only solution but is both unachievable and unnecessary." Further, McClendon (Col. 9, lines 16-19) states "Any standard must therefore be open-ended, flexible enough to be modifiable without extensive study and without invalidating the earlier standard. That means that any structure that involves fixed, predefined fields is doomed to failure." A standardized data set is not equivalent to the claimed shadow file builder.

Further, McClendon (Col. 9, lines 44-65) discloses a common data structure for use with all properties. For example, McClendon (Col. 9, lines 46-49) discloses (underlining added for emphasis) "For instance, each property has a name and a value. In an exemplary embodiment, 2 fields are defined: PropertyName and Value." Further, McClendon (Col. 9, lines 60-61) discloses (underlining added for emphasis) "In aecXML, the two fields would be represented by two tags: <PropertyName> and <Value>." Additionally, McClendon (Col. 9, line 66 through Col. 10, line 1) discloses (underlining added for emphasis) "In both a database table and aecXML, the technique of this invention is efficient. There is no need to change the data

structure to accommodate new types of properties.” However, the data structure disclosed by McClendon is not equivalent to the claimed shadow file builder. Further, Chiang fails to disclose a shadow file. Thus, Chiang also does not disclose a shadow file builder.

Therefore, McClendon and Chiang fail to disclose, teach, or suggest a shadow file builder having an input coupled to the shadow file keys/values manager for receiving the information related to the file and not contained in the file, the shadow file builder for building a shadow file responsive to said information related to the file and not contained in the file and for storing in said shadow file, different from the file, via an output.

Moreover, no motivation to combine Chiang and McClendon can be found in the references. The Office (Action of January 11, 2007 at 8) asserts that it would have been obvious to include the web-authoring tool of Chiang with McClendon and states that “The motivation for doing so would have been to allow the developer ease of graphical design and high performance. (See Chiang Provisional Application, Page 1, line 20).” However, Chiang does not attribute the benefits cited by the Office to the web-authoring tool. To the contrary, Chiang indicates that the cited benefits are provided by the web application generator.

For example, Chiang (Chiang Provisional Application page 1, line 17 to page 2, line 2) states that (underlining added for emphasis) “The generator offers ease of development by allowing business analysts to specify the application’s graphical user interface in HTML independent of a generic programming language. Other benefits include object-orientation, scalability, ease of graphical design and high performance. The HTML files are input in the generator which outputs a corresponding generic programming language.”

McClendon (Col. 17, lines 64-67), however, states “Preferably, each individual product property set can be pasted into an existing HTML product data sheet using XML coding....” As such, McClendon prefers the use of HTML and teaches away from using a generic programming language. Thus, McClendon does not have any use for the web application generator of Chiang. Therefore, there is no motivation to combine Chiang with McClendon.

For at least these reasons, independent claim 11 is allowable over McClendon in view of Chiang. As claims 12-18 depend from claim 11, those claims also are allowable for at least the reasons discussed with respect to claim 11.

Claim 31:

Claim 31 recites (underlining added for emphasis) “receiving by a web authoring tool first information to be contained in a first file, the first information comprising computer source code; receiving by the web authoring tool second information characterizing one or more properties of the first information; storing in the first file the first information but not the second information; and storing in a second file, distinct from the first file, the second information.”

The Office (Action of January 11, 2007 at 10) asserts that (underlining added for emphasis) “McClendon teaches a method and computer program product including receiving first information to be contained in a first file, the first information including computer source code, such as HTML code (See McClendon, Column 2, lines 35-44).”

McClendon does not disclose receiving first information comprising computer source code. To the contrary, McClendon (Col. 2, lines 35-44) discloses that (underlining added for emphasis):

The present invention provides systems and methods for identifying and organizing construction product information in such a way that product data sets can be readily defined and recorded, quickly searched and compared, and accurately transmitted among software applications and translated into the form needed without the need for human intervention or interpretation. These systems and methods involve a taxonomy specifically designed for computer rather than human use, with software applications providing a human-readable interface and output documents.

As such, McClendon teaches organizing construction product information such that product data sets can be defined, recorded, searched, compared, transmitted, and translated. McClendon does not, however, teach receiving computer source code. Thus, McClendon does not teach receiving by a web authoring tool first information to be contained in a first file, the first information comprising computer source code, as is claimed.

Additionally, the Office (Action of January 11, 2007 at 11) asserts that (underlining added for emphasis) “McClendon also teaches receiving second information characterizing one or more properties of the first information (See McClendon, Column 12, lines 23-35, and Column 17, lines 64-67).

As recited in claim 31, the first information comprises computer source code. McClendon does not disclose receiving second information characterizing one or more

properties of the first information – namely, computer source code. For example, McClendon (Col. 12, lines 23-35) discloses (underlining added for emphasis) “An Indexer to embed hidden property information into...” various files. Further, McClendon (Col. 17, lines 53-67) discloses (underlining added for emphasis):

A software tool [Indexer] is preferable to allow product manufacturers to build their own product indexes. The tool presents the same index interface as to users, making it clear to manufacturers how the users will view their data. The tool preferably builds a database of products, properties and values based on the manufacturer's selection of properties for each of the products he wants to index. Each individual product has its own set of properties....

Preferably, each individual product property set can be pasted into an existing HTML product data sheet using XML coding or be saved in XML format in a companion file with a file name that associates it with the original HTML file.

As such, McClendon teaches that property information characterizes a product, not computer source code. Therefore, McClendon does not disclose, teach, or suggest receiving by a web authoring tool first information to be contained in a first file, the first information comprising computer source code and receiving by the web authoring tool second information characterizing one or more properties of the first information, as is claimed.

The Office (Action of January 11, 2007 at 11) also asserts that it would have been obvious to include the web-authoring tool of Chiang with McClendon and that “The motivation for doing so would have been to allow the developer ease of graphical design and high performance.” As discussed above with respect to claim 11, Chiang attributes the benefits cited by the Office to the web application generator, which converts HTML to a generic programming language. Also as discussed with respect to claim 11, McClendon prefers the use of HTML and does not disclose using a generic programming language. Therefore, no motivation to combine Chiang with McClendon can be found in the references.

For at least these reasons, independent claim 31 is allowable over McClendon in view of Chiang. As claims 32-38 depend from claim 31, those claims also are allowable for at least the reasons discussed with respect to claim 31.

Further, claim 39 includes elements similar to those contained in claim 31. For example, claim 39 recites (underlining added for emphasis) “...receive by a web authoring tool first information to be contained in a first file, the first information comprising computer source code;

receive by the web authoring tool second information characterizing one or more properties of the first information....” Therefore, claim 39 is allowable for at least the reasons discussed with respect to claim 31. Additionally, claims 40-46 depend from claim 39 and are at least allowable based on claim 39.

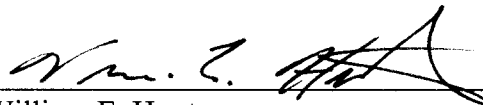
Concluding Comments

The foregoing comments made with respect to the positions taken by the Examiner are not to be construed as acquiescence with other positions of the Examiner that have not been explicitly contested. Accordingly, the above arguments for patentability of a claim should not be construed as implying that there are not other valid reasons for patentability of that claim or other claims.

In view of the above remarks, claims 9-20 and 29-46 should be in condition for allowance, and a formal notice of allowance is respectfully requested. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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